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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of :
Robert McKinnon, Jr. : Examiner: N. Eloshway
Serial No. 09/579,630 : Art Unit: 3727
Filed: May 26, 2000 :
Title: Meter Box Lid :
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REQUEST FOR CONTINUED EXAMINATION RECEIVED

NOV 15 2002

Commissioner For Patents
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Hon. Commissioner:

Enclosed for filing in the U.S. Patent and Trademark Office is a Request For Continued Examination Transmittal Form PTO/SB/30; a request for an extension of time of one month to respond until November 16, 2002; a check for \$425.00 for the Request For Continued Examination (RCE) Transmittal form and for the Request for Extension of Time; and an Amendment in response to the final rejection dated July 16, 2002. Also enclosed is a self-addressed, stamped, return post card.

AMENDMENT

Responsive to the Final Rejection mailed July 16, 2002, please amend claims 23, 25, 26, 31, 37-40, 42, 43, 44, 47, and 50 as shown by Exhibit A3. Exhibit B3 is a clean copy of these claims incorporating the amendments.

Please cancel claims 46 and 49.

In the Office Action, claims 1, 3-6, 8-15, 17, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by Wischhusen, et al. This rejection is traversed for the following reasons. The Examiner referred to column 4, lines 52-56 which is the embodiment of Figs. 1-10 of

Wischhusen, et al. The devices of Wischhusen, et al. in Fig. 1-10 are very light weight food containers with the lid made of an encasing shell 554 formed of polypropylene and an insulating material 600 formed of polyurethane foam injected into the shell. It is submitted that this lid could not possibly withstand a load of at least 8,000 pounds as required by claims 5, 6, 11-14, and 18 and their dependent claims.

Claim 1 and its dependent claims 3-4, 8-10, 15, 17, and 36-38, require the area of the lower surface to be greater than the total area surrounded by the area of said recesses. The area of this surface for example, is shown in red cross-hatch of the enclosed Exhibit C3. This structure is not disclosed or suggested by Wischhusen, et al.. Note the bottom of page 2 of the subject application for the dimensions and the amendment filed October 18, 2001. The object of Wischhusen, et al. is to provide a container and lid having large food storing chambers while the Applicant's objective is to provide a heavy duty meter box lid with recesses to allow better heat transfer during the molding process and curing thereof. In Fig. 30, Wischhusen, et al. the area of the cavities of the lid are shown by the red RA and the lower surfaces are shown by the red SA of the enclosed Exhibit D3. Thus obviously the area of the recesses in Wischhusen, et al. are much greater than the area of the lower surface. Note also Figs. 7 and 8 of Wischhusen, et al. Thus withdrawal of the rejection of claims 1, 3-6, 8-15, 17, 18 under 35 U.S.C. 102(b) is requested.

Claims 2 dependent on claim 1 and 7, dependent on claim 5 were rejected as unpatentable over Wischhusen, et al. for the same disclosure plus the addition of Bonnema, et al. which show lugs, on the basis of 35 U.S.C. 103(a). Since these two reference do not disclose or suggest the lower surface area of claim 1 or the support load requirement of claim 5, withdrawal of the rejection of claims 2 and 7 under 35 U.S.C. 103(a) is requested.

Claims 16, 19, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wischhusen, et al. for the same disclosure in view of Frank; claims 20 and 31-34 were rejected under 35 U.S.C. 103(a)

as unpatentable over Wischhusen, et al. in view of Conti; claims 21, 22, and 35 and 23, 24, 26-30 were rejected as unpatentable over Wischhusen, et al. in view of Conti and Frank. Claim 16 is dependent on claim 1.

None of these three references disclose or suggest the lower surface of claims 1 and 16. Claims 18, 19, 20, 21, 22 and 25 require the lid to be capable of supporting a load of at least 8,000 pounds which is not disclosed or suggested by any of these three references nor possible by the food containers of these three references. Claims 31-34, 35, 23, 24, 26-30 require the lid to be made solely from a single type of plastic material which is not disclosed by the applied lid of Figs. 1-10 of Wischhusen, et al. Conti does not disclose a lid. Frank discloses two containers 11 and 12 each with recesses covered by flat peel off type closures 24 which clearly are not of the type as set forth in claims 31-34, 35, 23, 24, 26-30.

It is inconceivable that the Examiner could say that either of the light weight food containers of Wischhuse, et al; Frank or Conti could support a load of about 8,000 pounds. Moreover, each of the food containers of these three patents have recesses but for the purpose of holding food and not for the purposes of a meter box lid being able to cure properly during the formation thereof. Thus, it is not seen that these three patents are in the field of endeavor of the Applicant and are not reasonably pertinent to the particular problem with which the Applicant was concerned and should not be relied upon as a bases for the rejection of the claimed invention.

Claims 1, 15, 18, 23, 25, 26, 31, and 36-50 were rejected under 35 U.S.C. 103(a) as unpatentable over Berg, et al. in view of Kristoffersson. This rejection is traversed for the following reasons. The Berg patent shows in Fig. 4 only a cross-section of the lid 156 made from aluminum alloy. From this cross-section, it is submitted that the lid would look like that shown in Exhibit E3 which is a blow up of the lid of Fig. 4 and a projection of a bottom view of the lid based on the cross-section. Note that the recesses go to the very edge of the lid as do the recesses of the bottom wall of Kristoffersson whereas in the parent claims 1, 5, 18, 23,

25, 26, 31, and independent claims 16, 36-45, 47, 48, and 50 the recesses are spaced from the edge of the lid. With this structure of Berg there is no indication that the lid could support at least 8,000 pounds as required by claims 5, 18, 25, 36, 41, 45, 48. Moreover, claims 1, 36, 37, 38 require the area of the lower surface to be greater than the total area surrounded by the outer edges of the recesses. This is not disclosed by the Berg patent or the Kristoffersson patent. In Kristoffersson it is not known what kind of load the bottom could support. In Figs. 3-11 of Kristoffersson it is submitted that the surrounding double line member is the side wall of the container and it is not known what would be done to the bottom to use it as a lid.

Moreover, Berg teaches a aluminum alloy lid and Kristoffersson teaches a plastic member and it is not seen that there is a disclosure or suggestion if making the lid of Berg out of plastic.

Claims 42 and 44 require the plastic material of the lid to have a density range of .938-.942 which is not disclosed by any of the references cited. Thus, it is submitted that the claims of the above identified application are allowable and such allowance is requested

If any additional fees are required, please charge our deposit account No. 23-2770.

Respectfully submitted,



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Date: November 12, 2002

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